

Remarks

Applicant previously requested, among other amendments, entry of amendments to dependent claims 16 and 18, now canceled. The Office refused entry of all the amendments on the grounds that amended claims 16 and 18 raise the issue of new matter. Without admitting that the subject matter of previous amended claims 16 and 18 presents any new matter, Applicant requests entry of the amendment herein under 37 CFR 1.116(b)(2) after final rejection as presenting rejected claims in better form for consideration on appeal.

Claims 1-14, 16, 18, 20, and 22-27 are pending in the application with claims 1-14, 20, and 24 amended herein. Applicant expresses appreciation for the allowance of claims 22-27. The amendment incorporates the subject matter of previous claim 16 into claim 1. Further, the amendment corrects the typographical inconsistency of "Phthalocyanine" in the specification and claims.

Claims 1-14, 16-18, and 20 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claims 1-14, 16-18, and 20 stand rejected under 35 USC 112, first paragraph, as lacking enablement in the specification.

The present reply is not intended to be a complete reply under 37 CFR 1.111(b), but to address selected issues raised in the new grounds of rejection in the Office Action. Since amended claim 1 now sets forth a black liquid toner, aspects of the rejection of such claim involving dry toner no longer apply. Applicant incorporates by reference the prior assertions of patentability of the pending claims and requests entry of this amendment. Applicant requests an advisory action regarding the subject matter of the present reply so that a clear issue can be developed between Applicant and the Office before appeal.

The Examiner is invited to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation during normal business hours (Pacific Time Zone).

Respectfully submitted,  
Becky Bossidan, et al.

By: /James E. Lake/  
James E. Lake  
Reg. No. 44,854  
Date: November 2, 2009